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EXAMINER

WORKU, NEGUSSIE

ART UNIT PAPER NUMBER

2626

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/024,492

Applicant(s)

TSAI ET AL.

Examiner

Negussie Worku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 22-30 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims 22-30 are currently pending in this application. Original claims 1-21, have been cancelled by applicant's amendments. Newly submitted claims 22 through 30 are examined.

2. Applicant's arguments, see page 5, filed Jan 05, 2005, with respect to claims 1-21, have been fully considered and are persuasive. The double patenting rejection of July 7, 2005, with regard to claims 1-21 has been withdrawn. However, Applicant's has cancelled all claims 1-21, and submitted new amended claims 22-30, and therefore, the amended and newly cited claims are necessitated by a new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

### ***Claim Objections***

3. Claims 22-30 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Applicant's amendments to the claims shows that claim 1-21 have been cancelled. However, a newly submitted **dependent** claims 23 through 29, further limits to a

canceled claim 1, not to the newly introduced claims 22-30. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 22-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Os et al. (USP 6480304).

With respect to claim 22, Os et al. teaches a facsimile system (fax system of fig 1, with fax button 23c of fig 1, including scanner 12, col.2, lines 61-63) comprising: an optical scanning (scanner 12 of fig 1) device having a facsimile button (23C of fig 1, a fax button) for activating the facsimile function (button 23c of fig 1, an icon representative of function that the button performs, col.2, lines 50-55); a computer (computer system 150 of fig 7, col.3, lines 26-28) having a communication port (communication device 159 may be a modem, network for coupling the computer, col.9, lines 65-68) connected to said optical scanning device (scanner 12 of fig 7) and a communication gateway (communication device 159 of fig 7, may be modem or

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network) connected to said computer (computer 150 of fig 7); and a facsimile module (fax button 23C of fig 1) having a driver a communication management program (button 23A-23D are each used to initiate or drive by association with respective hard ware and software application of computer system 150 of fig 7, col.2, lines 60-65) an operation associated with or drive and a communication subroutine supporting said communication gateway, (communication device 159 of fig 7, may be modem or network), wherein said facsimile module is installed in said computer (button 23c of fig 1, an icon representative of function that the button performs, col.2, lines 55-60); when the user pushes said facsimile button, (fax button 23c of fig 1) said optical scanning device (scanner 12 of fig 1) is automatically activated in order to acquire an image of a document (col.3, lines 21-23) and therefore said communication subroutine (modem or network 159 of fig 7) of said facsimile module (with fax button 23c of fig 1) sends said image to a receiver, col.3, lines 21-23).

With respect to claim 23, Os et al. teaches a facsimile system (fax system of fig 1, with fax button 23c of fig 1, including scanner 12, col.2, lines 61-63, wherein said facsimile button is a click button (button 23c of fig 1, on panel button 19 of fig 7).

With respect to claim 24, Os et al. teaches a facsimile system (fax system of fig 1, with fax button 23c of fig 1, including scanner 12, col.2, lines 61-63, wherein said facsimile button is a touch Panel (fax button 23c of fig 7, on touch panel 19 of fig 1).

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With respect to claim 25, Os et al. teaches a facsimile system (fax system of fig 1, with fax button 23c of fig 1, including scanner 12, col.2, lines 61-63), wherein said communication gateway is a MODEM (159 of fig 7, may be a modem, col.9, lines 65-67).

With respect to claim 26, Os et al. teaches a facsimile system (fax system of fig 1, with fax button 23c of fig 1, including scanner 12, col.2, lines 61-63), wherein said communication gateway is an Internet connection, (computer system 150 col.9, lines 65-68)

With respect to claim 27, Os et al. teaches a facsimile system (fax system of fig 1, with fax button 23c of fig 1, including scanner 12, col.2, lines 61-63), wherein said communication management program (desktop management application program, col.8, lines 20-25) determines the type of said communication gateway, (communication device 159 of fig 7, may be a modem, computer network, col.9, lines 66-68) establishes a connection from said communication subroutine to said communication gateway (communication device 159 of fig 7, may be a modem, computer network, col.9, lines 66-68).

With respect to claim 28, Os et al. teaches a facsimile system (fax system of fig 1, with fax button 23c of fig 1, including scanner 12, col.2, lines 61-63), wherein said communication management program ((desktop management application program,

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col.8, lines 20-25) detects the availability of said communication gateway (159 of fig 70 and therefore determines the type of said communication gateway (communication device 159 of fig 7, may be a modem, computer network, col.9, lines 66-68).

With respect to claim 29, Os et al. teaches a facsimile system (fax system of fig 1, with fax button 23c of fig 1, including scanner 12, col.2, lines 61-63), wherein said communication management program detects (program in a scanner software, col.3, lines 35-45) the availability and data transmission rate of said communication gateway (159 of fig 7) and therefore determines the type of said communication gateway with the highest data transmission rate (communication device 159 of fig 7, may be a modem, computer network, col.9, lines 66-68)..

With respect to claim 30, Os et al. teaches a facsimile system (fax system of fig 1, with fax button 23c of fig 1, including scanner 12, col.2, lines 61-63), with a facsimile module stored in a media storage, (program software store in memory 153 of fig 7) comprising: a driver for driving a scanner (a scanner software executed by host computer 150 of fig 7) to acquire an image of a document, (col.3, lines 26-35); an internet communication program for transmitting information via internet, (WWW or any other network of computers col.9, lines 65, through col.10, lines 1-10); a modem communication program (159 of fig 7, may be a modem program, col.9, lines 65-68); an ISDN communication program (can be any other device, such as network card any other device coupling to the computer, col.9, lines 65-68); and a communication

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management program (desk top management application program, col.8, lines 20-25) for determining a communication gateway, (159 of fig 7, may be modem) establishing a connection from a communication subroutine (such as a modem or any other communication means to gate to internet) to said communication gateway, (world wide web site, is as a communication gate way col.10, lines 1-10), executing said driver for acquiring said image, storing said image and activating said communication subroutine to conduct a facsimile function, (fax system of fig 1, with fax button 23c of fig 1, including scanner 12, col.2, lines 61-63).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



### Contact information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7472.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

  
Negussie Worku  
Patent Examiner  
Art Unit 2624  
Feb 22, 2006

**DOUGLAS Q. TRAN**  
**PRIMARY EXAMINER**

